



California Regulatory Notice Register

REGISTER 2005, NO. 32-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

AUGUST 12, 2005

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*Time-
Dated
Material*

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by the Office of State Publishing and is offered by subscription for \$302.00 (annual price). To order or make changes to current subscriptions, please call (916) 445-5353 or (916) 445-5386. For outside of the Sacramento area, call (800) 963-7860. Periodicals postage paid at Sacramento, CA and additional mailing offices. **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Customer Coordinator, Office of State Publishing, 344 N. 7th Street, Mass Mail/Addressing Services, Sacramento, CA 95814-0212. The Register can also be accessed at <http://www.oal.ca.gov>.

PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the amended conflict of interest codes of the following agencies:

CONFLICT OF INTEREST CODE

ADOPTION

STATE AGENCY:

California Institute for Regenerative Medicine

A written comment period has been established commencing on **August 12, 2005**, and closing on **September 26, 2005**. Written comments should be directed to Adrienne Korchmaros, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed amendment to the conflict of interest code will be submitted to the Commission's Executive Director for review, unless any interested person, or his or her duly authorized representative, requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed amendment will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced amendment to the conflict of interest code, proposed pursuant to Government Code section 87300, which designates, pursuant to Government Code section 87302, employees who must disclose certain investments, interests in real property, and income.

The Executive Director or the Commission, upon his or her own motion or at the interest of any interested person, will approve, or revise and approve, or return the amendment to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments, or comments, in writing to the Executive Director of the Commission, relative to review of the

proposed amendment to the conflict of interest code. Any written comments must be received no later than **September 26, 2005**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses, or small businesses.

AUTHORITY

Government Code sections 82011, 87303, and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest code shall approve codes as submitted, revise the proposed code, and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Adrienne Korchmaros, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING **RH05044654**

SUBJECT OF HEARING

A hearing will be held regarding the adoption of proposed amendments to regulations interpreting and making specific provisions of Insurance Code Section 758(c).

AUTHORITY AND REFERENCE

The Insurance Commissioner proposes to adopt specified portions of the subject regulations under the authority of Insurance Code Sections 758, 12921, and 12926. The Commissioner's decision on the adoption of the amendments will further interpret and make specific provisions of Insurance Code Section 758(c).

HEARING DATE AND LOCATION

Notice is hereby given that public hearings will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to these regulations as follows:

Date and time: September 27, 2005
9:30 am*

Location: Department of Insurance
Hearing Room
45 Fremont Street, 22nd Floor
San Francisco, CA 94105

September 28, 2005
9:30 am*

Location: Ronald Reagan State Office Building
300 South Spring Street
Ground Floor Hearing Room
Los Angeles, California 90013

*These hearings will continue on the dates noted until all testimony has been completed or 4:00 p.m., whichever is earlier.

PRESENTATION OF WRITTEN AND/OR ORAL COMMENTS; CONTACT PERSONS

All persons are invited to present oral and/or written comments at the scheduled public hearings. Written comments not presented at the scheduled public hearings should be addressed to the following contact person:

Teresa R. Campbell, Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4126

Questions regarding the hearing, comments, or the substance of the proposed action should be addressed to the above contact person. If she is unavailable, inquiries may be addressed to the following backup contact person:

Tony Cignerele, Division Chief
Consumer Services Division
California Department of Insurance
300 South Spring Street, 14th floor
Los Angeles, CA 90013
Telephone: (213) 346-6360

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearings, must be received by the Insurance Commissioner, c/o the contact person at the address listed above, no later than **4:30 p.m. on September 26, 2005**. Any written materials received after that time will not be considered.

COMMENTS TRANSMITTED BY E-MAIL OR FACSIMILE

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: campbellt@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are sent to the contact person listed above at the following facsimile number: (415) 904-5490. **Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline for written comments set forth above.**

ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for these hearings in order to make special arrangements, if necessary.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of Subchapter 4.5, Title 10, of the California Code of Regulations, in connection with their participation in this matter. Interested persons should contact the Office of the Public Advisor at the following address, in order to inquire about the appropriate procedures:

California Department of Insurance
Office of the Public Advisor
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
(916) 492-3559

A copy of any written materials submitted to the Public Advisor regarding this rulemaking must also be submitted to the contact person for this hearing, listed above. Please contact the Office of the Public Advisor for further information.

INFORMATIVE DIGEST

SUMMARY OF EXISTING REGULATIONS AND
POLICY STATEMENT OVERVIEW

Ins. Code section 758(c) requires any insurer that conducts an auto body repair labor rate survey to determine and set a specified prevailing rate in a specific geographic area to report the results of the survey to the Department of Insurance. The Department of Insurance is required to make the information available upon request. The statute, however, was unclear as to what constituted an auto body repair labor rate survey, what constituted a prevailing rate, what information had to be reported to the department, where the results of the survey should be reported, and how to obtain a copy of surveys submitted pursuant to the statute.

Title 10 of the Cal. Code of Regulation sections 2698.1, operative October 25, 2002, provided some guidance in these areas by defining “labor rate survey” and “prevailing auto body rate” as used in the statute. Section 2698.1 further provides a clarification of what information should be included in the results reported to the Department.

Although the current regulations provide some broad definitions, outline what information should be included in the surveys, and provide a procedure for submitting the surveys to the Department of Insurance, based on the information, reports, and complaints we have received from consumers, insurers, and the auto body industry, there are several areas that require further clarification. For example, because there is no standard methodology specifically outlined in the statute (i.e. should insurers use the average rate of the shops surveyed or the median of rates obtained by survey), the surveys tend to produce inconsistent results, creating confusion when the insurers rely on the results to support their adjustment of the body shop estimate as reasonable within the meaning of CCR 2695.8(f) of the Fair Claims Settlement Practices regulations. As a result of the labor rates disputes that arise, the consumer is often placed in a position where they have to pay the difference between the shops labor rate and the rate the insurer will pay before the body shop releases the car. The proposed amendments will further define specific terms and more clearly set out the purpose and use of the surveys.

The Commissioner has determined that the adoption of an amendment to the existing regulations is necessary in order to effectively administer Insurance Code Section 758(c). The regulations would do the following:

- 1) Further define “labor rate survey” and “prevailing auto body rate.”
- 2) Outline what additional information must be included in labor rate survey results reported to the Department of Insurance and where those results should be sent.
- 3) Clarify the purpose and use of the statute.
- 4) Clarify how to request labor rate survey results submitted to the Department of Insurance.

The specific purpose of each adoption and amendment, and the rationale for the determination that each adoption and/or amendment is reasonably necessary to carry out the purpose for which it is proposed, together with a description of the public problem, administrative requirement, or other condition or circumstance that each adoption is intended to address, is set forth below.

EFFECT OF PROPOSED ACTION

The major effects of the regulations are as follows:

Proposed section 2698.91(a)

Existing 2698.91(a) defines the term “auto body repair labor rate survey” as used in Ins. Code section 758(c). The proposed amendment would make the definition apply to the term “survey” as well. Additionally, the proposed amendment would require that the insurer conduct the survey in writing or maintain written records of information gathered by methods other than in writing. Moreover the amendment requires that the submitting insurer make the records of the data used to complete the survey available to the Department of Insurance upon request. The underlying information supporting the survey would become necessary if the accuracy of the survey were questioned. Additional language and punctuation changes have been made for clarification and consistency purposes. The change to this section is necessary to further define and clarify these terms in order to assist the reader in understanding the statute and regulations.

Proposed section 2698.91(b)

Existing 2698.91(b) defines “prevailing auto body rate” as employed in Ins. Code section 758(c). Confusion has arisen regarding the current definition. The proposed amendment clarifies the definition by more specifically describing the term. Additional language and punctuation changes have been made for clarification and consistency purposes. The change to this section is necessary to further define and clarify these terms in order to assist the reader in understanding the statute and regulations.

Proposed section 2698.91(c)

Existing 2698.91(c) requires the insurer to provide a description of what geographic areas were surveyed, a description of the methodology used to reach the

prevailing rate, and the prevailing rate established for each geographic area surveyed. This information provides a context for the information specifically outlined in the statute. The proposed amendment further requires that the submitting insurer provide the labor rate charged by each particular shop surveyed the total number of shops that responded to their survey, and the date the survey was completed.

Additionally, subsection (5) currently requires a description of the geographic area covered by the labor rate reported in the survey. The proposed amendment further defines what constitutes a geographic area, requires the insurer report the number of shops surveyed in the geographic area, and provide a list of zip codes or groups of zip codes that make up the area.

This section also currently requires that any confidential information not required by the statute or regulations be removed from the survey before it is submitted to Department of Insurance. This language has been moved to new section 2698.91(h). Additional language and punctuation changes have been made for clarification and consistency purposes. The change to this section is necessary to further clarify the statutory provisions and for organizational purposes and consistency.

Proposed section 2698.91(d)

Existing 2698.91(d) requires that the surveys be submitted to the Market Conduct Division of the Department of Insurance. The proposed amendment removes this language completely (see proposed section 2698.91(h)) and inserts language prohibiting an insurer from using rates it has negotiated with shops in its Direct Repair Program or any other auto body repair shop. The use of these negotiated rates may result in an artificially low prevailing rate for a specific geographic area. The amended section further states that the regulations do not preclude an insurer from using the non-contracted rate of its Direct Repair Program members. The change to this section is necessary to clarify the statutory provision and for organizational purposes.

Proposed section 2698.91(e)

Existing 2698.91(e) sets out the procedure for requesting copies of the surveys. The proposed amendments removes this language completely and inserts language specifically stating that nothing in these regulations requires an insurer to pay more than necessary to perform workmanlike repairs to a vehicle, as required by 2695.8(f) of the Fair Claims Practices Act (California Code of Regulations, Title 10, Chapter 5, Subchapter 7.5). The change to this section is necessary to clarify the statutory provision and for organizational purposes.

Proposed section 2698.91(f)

This is a new section. The proposed amendment clarifies that nothing in these regulations prohibits an insurer from voluntarily negotiating or contracting with an auto body repair shop for a specific labor rate. The change to this section is necessary to clarify the statutory provisions.

Proposed section 2698.91(g)

This is a new section. The proposed amendment clarifies the purpose and use of the labor rate survey, stating that it may be used to support the reasonableness of an insurer's adjustment to a auto body shop repair estimate pursuant to section 2695.8(f)(3) of the Fair Claims Practices Act (California Code of Regulations, Title 10, Chapter 5, Subchapter 7.5). The proposed amendment also limits the use of labor rate surveys for this purpose to those surveys less than 18 months old. The change to this section is necessary to clarify the statutory provisions.

Proposed section 2698.91(h)

This is a new section. Formerly 2698.91(d), the proposed amendment requires that the surveys be submitted to the Market Conduct Division of the Department of Insurance. The proposed amendment would allow the Department of Insurance to identify which Department should receive the surveys. The proposed amendment would further require that the surveys be submitted within 30 days of completing the labor rate surveys.

This section also currently requires that any confidential information not required by the statute or regulations be removed from the survey before it is submitted to Department of Insurance. This language has been moved from original section 2698.91(c). The change to this section is necessary for organizational purposes and consistency.

Proposed section 2698.91(i)

This is a new section. Formerly 2698.91(e), the proposed amendment sets out the procedure for requesting copies of the surveys. Minor changes have also been made to complete the citation to the California Public Records Act. The change to this section is necessary for organizational purposes.

Proposed section 2698.91(j)

This is a new section. The proposed amendment states that the Department of Insurance may request that the labor rate surveys be submitted in electronic version to aid the Department of Insurance in making the surveys available to the public. The change to this section is necessary to better implement the statutory provisions and simplify the submission and publication of the statutory requirements.

**MANDATES ON LOCAL AGENCIES
OR SCHOOL DISTRICTS**

The proposed amendments to the regulations do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

**COST OR SAVINGS TO STATE/LOCAL
AGENCY OR SCHOOL DISTRICT OR
IN FEDERAL FUNDING**

The Commissioner has determined that the proposed amendments to the regulations will result in no cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

**ECONOMIC IMPACT ON BUSINESSES AND
THE ABILITY OF CALIFORNIA
BUSINESSES TO COMPETE**

The Commissioner has made an initial determination that the proposed amendments to the regulations do not have a significant, statewide adverse economic impact directly affecting business or the ability of California businesses to compete with businesses in other states.

**POTENTIAL COST IMPACT ON PRIVATE
PERSONS OR ENTITIES/BUSINESSES**

The Commissioner is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

FINDING OF NECESSITY

The Commissioner finds that it is necessary for the welfare of the people of the state that the regulations apply to businesses.

**EFFECT ON JOBS AND BUSINESSES
IN CALIFORNIA**

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of businesses, and the expansion of businesses currently operating in the state. The Commissioner does not foresee that the proposed amendments to the regulations will have an impact on any of the above but invites interested parties to comment on this issue.

IMPACT ON HOUSING COSTS

The matters proposed herein will have no significant effect on housing costs.

ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purposes for which the regulations are imposed or would be as effective and less burdensome to affected private persons than the proposed regulations. The Commissioner invites public comment on alternatives to the regulations.

IMPACT ON SMALL BUSINESS

The Commissioner has determined that the proposed regulations do not significantly affect small businesses in that the regulations pertain primarily to insurers and do not require any significant action on the part of any auto body shop or other small business.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

**TEXT OF REGULATIONS AND INITIAL
STATEMENT OF REASONS**

The Department has prepared an initial statement of reasons that sets forth the reasons for the proposed adoption of the amendments to the regulations. Upon request, the initial statement of reasons will be made available for inspection and copying. Written requests for the initial statement of reasons or questions regarding this proceeding should be directed to the contact person listed above. Upon request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Written requests for the final statement of reasons should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the proposed regulations, the statement of reasons, the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file, is available for inspection and copying at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulations, will automatically be sent to all persons on the Insurance Commissioner's mailing list.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Find near the top of the page the major heading 'Protecting Consumers.' In this section, scroll down until you see the subheading 'BE INFORMED.' Click on the nearby 'Search for Proposed Regulations' link. When the search field appears, enter 'RH05044654' (the Department's regulation file number for these regulations). Alternatively, search for the California Insurance Code number of a code section that the regulations implement (for instance, "758"), or search by key word (for example, 'labor rate'). Then, click on the "Submit" button to display links to the various filing documents.

To browse, click on the "Browse All Regulations" button near the bottom of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the "Auto Body Repair Labor Rate Surveys" link, and click it. Links to the documents associated with these regulations will then be displayed.

MODIFIED LANGUAGE

If the regulations adopted by the Department differ but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

**TITLE 13. NEW MOTOR
VEHICLE BOARD****NOTICE OF PROPOSED ACTION**

NOTICE IS HEREBY GIVEN that the New Motor Vehicle Board of the State of California ("Board"), pursuant to the authority vested in it by Section 3050, subdivision (a) of the Vehicle Code, proposes to amend sections 550, 551.11, and 551.12 of Title 13 of the California Code of Regulations.

PROPOSED REGULATORY ACTION

The Board proposes to amend sections 550, 551.11, and 551.12 of Title 13 of the California Code of Regulations after consideration of all comments, objections, and recommendations regarding the proposed action.

PUBLIC DISCUSSIONS PRIOR TO NOTICE

Prior to the publication of this notice, the Board considered the proposed text of the regulations at noticed meeting held on January 26, 2005. Ten days prior to the meeting, a detailed agenda including the consideration of the proposed text of the regulations was mailed to the Board's Public Mailing List, a list of approximately 150 individuals, entities and govern-

mental agencies who have requested notification by the Board of pending Board matters. No comments by the public were received at the January 26, 2005, General Meeting, and no further public discussions were held prior to publication of the notice.

WRITTEN COMMENT PERIOD

Notice is given that a public hearing has not been scheduled; however, written comments will be accepted in writing via U.S. Postal Service mail, facsimile or electronic mail, relevant to the proposed amendments to the agency officer named below at the address identified below until 5:00 p.m. on September 26, 2005. The Board will consider only comments received at the Board offices by that time. Submit comments to:

Howard Weinberg General Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95814
(916) 445-2080
Fax: (916) 323-1632
E-mail: www.nmvp@pacbell.net

The official record of the rulemaking procedure will be closed at 5:00 p.m. on September 26, 2005. Written comments received after 5:00 p.m. on September 26, 2005, will not be considered.

PUBLIC HEARING REQUEST

Pursuant to Government Code section 11346.5(a)17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

AUTHORITY AND REFERENCE

Authority cited: Section 3050(a), Vehicle Code.
Reference: Sections 3050(c), 3060, 3062, 3064, 3065, 3065.1, 3066, 3070, 3072, Vehicle Code.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Vehicle Code section 3050, subdivision (a) authorizes the Board to adopt rules and regulations governing such matters as are specifically committed to it.

It is the mission and vision of the Board, as adopted by its members, to: resolve disputes in the new motor vehicle industry in an efficient, fair and cost-effective manner; safeguard for the Board's constituency, a fair, expeditious and efficient forum for resolving new motor vehicle industry disputes which ultimately improves relations and reduces the need for costly litigation; and, develop methods that further improve the delivery of Board services in a timely and cost-effective manner.

The Board proposes to amend section 551.11 of the regulations contained in Title 13 of the California Code of Regulations in order to require the submission of settlement conference statements five business days prior to a settlement conference.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following determinations:

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments will have no effect on small businesses. This determination was made because no small businesses are legally required to comply with the regulation, are legally required to enforce the regulation, or derive a benefit from or incur an obligation from the enforcement of the regulation.

LOCAL MANDATE

The proposed regulatory action does not impose a mandate on local agencies or school districts.

FISCAL IMPACT STATEMENT

The proposed regulatory action imposes (1) no cost or savings to any state agency; (2) no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code; (3) no other non discretionary cost or savings to local agencies; and (4) no costs or savings in federal funding to the state.

EFFECT ON BUSINESSES

The Board has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states. No studies or data were relied upon in making this determination.

POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The cost impact of the proposed regulatory action is expected to be inconsequential on directly affected private persons. The Board expects no cost impact on directly affected businesses. The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT REGARDING THE EFFECT ON JOBS/BUSINESSES

The adoption of this regulation will neither create nor eliminate jobs or businesses in the State of California, will not result in the elimination of

existing businesses, and will neither reduce or expand businesses currently doing business in the State of California.

EFFECT ON HOUSING COSTS

The proposed regulatory action will have no impact on housing costs.

EFFECT ON FEDERAL LAW

The proposed regulatory action will not duplicate or conflict with any federal law.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

At the January 26, 2005, General meeting, wherein the Board preliminarily adopted the proposed regulatory text, no other alternatives were considered. However, the submission of written and oral comments was invited. If any written or oral comments were received, the full Board would consider the comments and reconsider the text of the proposed rulemaking. Lastly, if the staff decided that modifications to the proposed text were necessary, the Board would consider those modifications at a noticed meeting. If there were no written or oral comments received, then the rulemaking process will proceed without further Board involvement.

CONTACT PERSON/BACKUP CONTACT PERSON

Please direct inquiries concerning the substance of the proposed action, requests for copies of the proposed text (the "express terms") of the regulation, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to:

Howard Weinberg, General Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95814
Telephone: (916) 445-2080

In the event the Contact Person is not available, inquiries concerning the substance of the proposed action, requests for copies of the proposed text (the "express terms") of the regulation, the initial statement of reasons, the modified text of the regulations,

if any, or other information upon which the rulemaking is based may be directed to the following Backup Contact Person:

Robin Parker, Senior Staff Counsel
New Motor Vehicle Board
1507 21st Street, Suite 330
Sacramento, CA 95814
Telephone: (916) 445-2080

AVAILABILITY OF INFORMATION VIA THE INTERNET

Information regarding the proposed amendments may be obtained from the Board's website:
www.nmvb.ca.gov.

STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The express terms of the proposed action are written in plain English and are available from the contact person named in this notice. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline to indicate additions, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the initial statement of reasons and the location of public records, including reports, documentation, and other materials, related to the proposed action.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period and public hearing, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full, modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the Board adopts the resulting regulation. Requests for copies of a modified regulation should be addressed to the Board contact person identified in this notice. The Board will accept written comments on the modified regulation for 15 days after the date on which it is first made available to the public.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons may be directed to the Contact Person or the Backup Contact Person listed in this Notice, or may be obtained from the Board's website: www.nmvb.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

PROPOSED RESEARCH ON A FULLY-PROTECTED SPECIES:

Conducting Surveys for the
California Black Rail

The Department of Fish and Game (Department) is evaluating a proposal received from Jane C. Griffith, Griffith Wildlife Biology, Calumet, Michigan, for authorization to take, for research purposes and consistent with conservation and recovery of the species, the California black rail (*Laterallus jamaicensis coturniculus*) (rail), which is a Fully Protected species of bird. The proposed activity consists of searching for vocalizing individuals of the rail, employing playback of tape-recorded, species-specific vocalizations, to determine distribution and status of local populations. Griffith Wildlife Biology would collect data by interpreting calls received from marsh birds responding to the tape and by observing individual rails. There would be no attempt to capture individuals of the rail or to approach nests of the rail.

Prior to beginning work on the rail, the researcher for Griffith Wildlife Biology would obtain the necessary State scientific collecting permit (SCP) allowing take of native wildlife. SCP conditions require that the holder of this permit obtain additional, special authorization from the Department for research on Fully Protected species. The Department would provide the special authorization to Griffith Wildlife Biology through specific written conditions in a Memorandum of Understanding (MOU), a specific type of permit identified in the California Endangered Species Act.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of a Fully Protected species of bird after a notice of 30 days has been provided to affected and interested parties through publication of a notice in the California Regulatory Notice Register. If the Department determines that the proposed research by Griffith Wildlife Biology is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after September 12, 2005, for an initial term not to exceed five years. Contact John Gustafson, Habitat Conservation Planning Branch, Department of Fish and Game, 1416 Ninth Street, 12th Floor, Sacramento, California 95814, telephone (916) 654-4260.

FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

(Continuation of California Notice Register 2005,
No. 26-Z, and Meeting of June 24, 2005.)

NOTE: The Fish and Game Commission is exercising its powers under sections 202 and 355 of the Fish and Game Code as the following changes to the proposed regulations may not be available to the public for the full public comment period prior to adoption.

(**NOTE:** See Updated Informative Digest changes shown in **bold face** type.)

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 202 and 355 of the Fish and Game Code and to implement, interpret or make specific sections 202, 355 and 356 of said Code, proposes to amend Section 502, Title 14, California Code of Regulations, regarding Waterfowl, Migratory; American Coot and Common Moorhen.

UPDATED INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and establish daily bag and possession limits. In addition to the five proposals contained herein, the U.S. Fish and Wildlife Service (Service), through the analysis of waterfowl population survey and other data, may also initiate changes in federal regulations which will require changes in existing and proposed regulations in California. Changes in federal regulations for season opening and closing dates, elimination or creation of special management areas, season length, and daily bag limits for migratory birds may occur. Three (items 1, 3, and 4) of the five proposed changes to state regulations require changes in the federal regulations. These proposals must be approved by the Pacific Flyway Council at their meeting on July 20, 2005. The Service will consider these and other recommendations at their meeting on July 27–28, 2005. Item 5 (including the table) below proposes a range of season dates and bag limits for waterfowl. At this time, the California Breeding Pair Survey has not been conducted and the Service has not established federal regulation “frameworks” which occurs in late July after the analysis of current waterfowl population survey, other data, input from the Flyway Councils and the public. Also, minor editorial changes were made to clarify and simplify the regulations and to comply with existing federal frameworks.

The Department’s proposals are as follows:

1. Remove the Sacramento Valley (East) Special Management Area and allow the take of Canada geese in that area throughout the Balance of State Zone goose season.
2. Remove the Imperial County Special Management Area and eliminate the special hunting season for white geese.
3. Increase the white goose daily bag limit in all zones from 3 to 4; which results in an increase in the overall goose daily bag limit in the Northeastern California, Southern San Joaquin Valley, and Balance of State zones.
4. Increase the Small Canada goose daily bag limit to 4 in the Northeastern California, Southern San Joaquin Valley, and Balance of State zones.
5. Provide a range of season lengths (which may be split into two segments) between 0 and 107 days for the general duck season and 0 and 100 days for the general goose season. A range of daily bag limits is also given for ducks in all zones and geese in the Northeastern California, Southern San Joaquin Valley, and Balance of State zones. There are no anticipated or proposed changes to the goose daily bag limit in the Southern California and Colorado River zones. Also, federal regulations require that California’s hunting regulations conform to those of Arizona in the Colorado River Zone. In addition, regulations for black brant are expected to become more restrictive. Winter counts in 2004–05 were low enough to trigger harvest restrictions as identified in the Flyway Management Plan. See the following table.

The Commission proposes to amend its regulations to comply with regulations adopted by the Service at its July 27, 2005 meeting which established black brant special management areas and established black brant hunting seasons in each of those special management areas as follows:

Northern Brant Special Management Area—Del Norte, Humboldt, and Mendocino counties.
Season: From November 16 through November 30

Daily Bag and Possession Limit: 2 per day, 4 in possession

Balance of State Brant Special Management Area—All counties not included in the Northern Brant Special Management Area.

Season: From December 1 through December 15
Daily Bag and Possession Limit: 2 per day, 4 in possession

Other regulations adopted by the Service at its July 27, 2005 meeting are in accord with the originally noticed proposals.

CALIFORNIA REGULATORY NOTICE REGISTER 2005, VOLUME NO. 32-Z

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Statewide	Coots & Moorhens	Concurrent w/duck season	25/day. 25 in possession.
Northeastern Zone	Ducks	Between 38 & 100 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 100 days	
	Canvasback	Between 0 & 100 days	
	Geese	Between 0 & 100 days	
Southern San Joaquin Valley Zone	Ducks	Between 38 & 100 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 100 days	
	Canvasback	Between 0 & 100 days	
	Geese	Between 0 & 100 days	
Colorado River Zone	Ducks	Between 38 & 101 days	4-7/day, no more than 3-7 mallards, no more than 2 hen mallards or Mexican-like ducks, 1-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 101 days	
	Canvasback	Between 0 & 101 days	
	Geese	101 days	
Southern California Zone	Ducks	Between 38 & 100 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 100 days	
	Canvasback	Between 0 & 100 days	
	Geese	Between 0 & 100 days	
Balance of State Zone	Ducks	Between 38 & 100 days	5/day, up to 3-4 white geese, up to 3 white-fronted geese, up to 3 Large Canada geese, up to 3 Small Canada geese. Possession limit double the daily bag.
	Pintail	Between 0 & 100 days	
	Canvasback	Between 0 & 100 days	
	Geese	Between 0 & 100 days	
SPECIAL AREA REGULATIONS	Ducks	Between 38 & 100 days	4-7/day, no more than 3-7 mallards, no more than 1-2 hen mallards, 0-3 pintail, 0-1 canvasback, 2 redheads, 0-4 scaup. Possession limit double the daily bag.
	Pintail	Between 0 & 100 days	
	Canvasback	Between 0 & 100 days	
	Geese	Between 0 & 100 days	
North Coast	All Canada Geese	Between 0 & 100 days	2-4/day, only 1 may be a Large Canada goose. Possession limit double the daily bag.
South Humboldt Bay	All species	Closed during brant season	
Sacramento Valley (West)	White-fronted geese	Closed after Dec. 14	2/day. Possession limit double the daily bag.
Morro Bay	All species	Open in designated areas only	
Martis Creek Lake	All species	Closed until Nov. 16	
Northern Brant	Black Brant	November 16-30	2/day. Possession limit double the daily bag.
Balance of State Brant	Black Brant	December 1-15	2/day. Possession limit double the daily bag.
YOUTH HUNTING DAYS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	The Saturday fourteen days before the opening of waterfowl season extending for 2 days.	Same as regular season
Southern San Joaquin Valley Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Southern California Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Colorado River Zone		The Saturday following the closing for waterfowl season.	
Balance of State Zone		The Saturday following the closing of waterfowl season extending for 2 days.	

FALCONRY TAKE OF DUCKS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	Between 38 and 105 days	3/day, possession limit 6
Balance of State Zone		Between 38 and 107 days	
Southern San Joaquin Valley Zone		Between 38 and 107 days	
Southern California Zone		Between 38 and 107 days	
Colorado River Zone	Ducks only	Between 38 and 106 days	

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Board of Supervisors Chambers, 1055 Monterey Street, San Luis Obispo, California on Friday, August 19, 2005, at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on August 16, 2005. All comments must be received no later than August 19, 2005, at the hearing in San Luis Obispo, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Robert R. Treanor or Sherrie Koell at the preceding address or phone number. **John Carlson, Department of Fish and Game, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection,

timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

DISAPPROVAL DECISIONS

DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at www.oal.ca.gov. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339; (916) 323-6225; FAX (916) 323-6826. Please request by OAL file number.

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW
(Gov. Code sec. 11349.3)
OAL File No. 05-0617-03 S**

DECISION OF DISAPPROVAL OF REGULATORY ACTION

In re:

**PHYSICAL THERAPY BOARD
OF CALIFORNIA**

REGULATORY ACTION:

**Title 16, California Code of Regulations
Adopt Sections: 1399.50, 1399.52**

SUMMARY OF REGULATORY ACTION

This regulatory action deals with fees for applications, examinations and licensing of Physical Therapists and Physical Therapist Assistants. On August 1, 2005 the Office of Administrative Law ("OAL") notified the Physical Therapy Board of California ("Board") that OAL disapproved the regulations because they failed to comply with the Consistency and Clarity standards contained in Government Code section 11349.1.

DISCUSSION

Regulations adopted by the Board must be adopted pursuant to the Administrative Procedure Act ("APA"). Any regulatory action a state agency adopts through the exercise of quasi-legislative power delegated to the agency by statute is subject to the requirements of the APA unless a statute expressly exempts or excludes the act from compliance with the APA. (Gov. Code, sec. 11346.) No exemption or exclusion applies to the regulatory action under review. Before this regulatory action may become effective, it is subject to a review by OAL for compliance with procedural requirements and substantive standards of the APA. (Gov. Code, sec. 11349.1(a).)

Please note that the proposed regulatory amendments are shown in underline to indicate new language and strikeout to show deletions from existing regulatory language.

August 1, 2005

BARBARA ECKARD
Senior Staff Counsel

for: **WILLIAM L. GAUSEWITZ**
Director

Original: Steven K. Hartzell, Executive Officer
cc: Mike McCormick

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

AIR RESOURCES BOARD

Portable Equipment Registration Program

This is the timely resubmission of a previously disapproved action that updates the statewide portable equipment registration program, increasing the fees for participation by about 300 percent, changing some of the limitations on registration with the program, and on use of registered portable equipment.

Title 13

California Code of Regulations

AMEND: 2450, 2451, 2452, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465

Filed 08/02/05

Effective 09/01/05

Agency Contact: George Poppic (916) 322-3940

BOARD OF EDUCATION

Grade 9 Class Size Reduction

The regulatory action deals with the Program to Reduce Class Size in Two Courses in Grade 9.

Title 5

California Code of Regulations

ADOPT: 15140, 15141

Filed 08/01/05

Effective 08/31/05

Agency Contact: Debra Strain (916) 319-0641

BOARD OF EDUCATION

Definition of Significant Growth—II/USP

In this regulatory action, the State Board of Education adopts regulations pertaining to the Immediate Intervention/Underperforming Schools Program and the High Priority Schools Grant Program.

Title 5

California Code of Regulations

ADOPT: 1030.5, 1030.6, 1030.7, 1030.8

Filed 07/28/05

Effective 08/27/05

Agency Contact: Debra Strain (916) 319-0641

BOARD OF PSYCHOLOGY

Supervised Professional Experience

This regulatory action deals with the supervised professional experience (SPE) requirements for a psychology trainee before licensure by the Board.

Title 16

California Code of Regulations

AMEND: 1387, 1387.1, 1387.2, 1387.3, 1387.5, 1387.6, 1390, 1390.3, 1391

Filed 07/28/05

Effective 08/27/05

Agency Contact:

Kathy Bradbury (916) 263-0712

COMMISSION ON PEACE OFFICER

STANDARDS AND TRAINING

Establish a Continuing Professional Training Anniversary Date

This regulatory action describes the process for establishing a permanent single Continuing Professional Training (CPT) Anniversary date for each officer or dispatcher. This date will be used to determine each person's two-year cycle for completion of the required 24 hours of CPT. It also clarifies who is required to complete the CPT requirements, allows for a transition period for current personnel and allows for a grace period for reappointments and lateral transfers. This action had previously been withdrawn by the agency pursuant to Government Code (GC) Section 11349.3(c) and was then timely resubmitted pursuant to GC Section 11349.4 after meeting the requirements of Government Code Section 11346.8(c).

Title 11

California Code of Regulations

AMEND: 1005, 1014

Filed 08/01/05

Effective 08/01/05

Agency Contact:

Patricia Cassidy (916) 227-4847

DEPARTMENT OF CORRECTIONS

Limited Term Light Duty

This Certificate of Compliance makes permanent the prior emergency regulatory action (OAL file no. 05-0114-01 EON) dealing with limited term light duty assignments.

Title 15

California Code of Regulations

ADOPT: 3436

Filed 08/03/05

Effective 08/03/05

Agency Contact: Cindy Sunley (916) 358-2477

DEPARTMENT OF DEVELOPMENTAL

SERVICES

Habilitation Services

This filing is a certificate of compliance for an emergency regulatory action which implemented AB 1753 (Chapter 226, Statutes of 2003) which transferred administrative responsibility for the Habilitation Services Program (HSP) from the Department of Rehabilitation to the Department of Developmental Services.

Title 17

California Code of Regulations

ADOPT: 58800, 58810, 58811, 58812, 58820, 58821, 58822, 58830, 58831, 58832, 58833, 58834,

58840, 58841, 58842, 58850, 58851, 58860, 58861,
58862, 58863, 58864, 58870, 58871, 58872, 58873,
58874, 58875, 58876, 58879, 58880, 58881, 58882
AMEND: 54302, 54
Filed 08/01/05
Effective 08/31/05
Agency Contact:
Denyse Curtright (916) 654-2208

DEPARTMENT OF JUSTICE

**Suppression of Incomplete Criminal History
Information**

The regulatory action deals with the suppression of
incomplete criminal history information.

Title 11
California Code of Regulations
ADOPT: 720, 721, 722, 723, 724,
Filed 07/28/05
Effective 08/27/05
Agency Contact: Martha Cook (916) 227-3347

DEPARTMENT OF MOTOR VEHICLES

**Commercial Requester Account Surety Bond
Requirements**

This action updates the regulation that specifies the
applicability of the surety bond required of commer-
cial information requesters in order to conform with
the most current bond form and overall standardization
of the Department's bond forms.

Title 13
California Code of Regulations
AMEND: 350.24
Filed 07/27/05
Effective 08/26/05
Agency Contact:
Christie Patrick (916) 657-5567

DEPARTMENT OF MOTOR VEHICLES

Employer Testing Program

This is the first emergency re-adoption of amend-
ments to the regulations of the Employer Testing
Program that require examiners to be current by
showing that they have conducted a driving test within
90 days or attend and pass a department sponsored
Examiner refresher-training course and increase the
examiner training fee.

Title 13
California Code of Regulations
AMEND: 25.15, 25.18, 25.19, 25.21, 25.22
Filed 07/28/05
Effective 07/28/05
Agency Contact:
Bonnie DeWatney (916) 657-8954

**DEPARTMENT OF SOCIAL SERVICES
Biennial Rate Application Requirement**

This emergency regulatory action sets the rate
classification level for a group home program and the
rate category for a foster family agency on a biennial
rather than annual basis, according to a schedule
established by the Department. The regulations amend
policies and procedures pertaining to the current
annual system to implement the biennial rate system
established by statute.

Title MPP
California Code of Regulations
AMEND: 11-400, 11-102, 11-403, 11-406
Filed 08/01/05
Effective 08/01/05
Agency Contact: Alison Garcia (916) 657-2586

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Boiler Inspections

In this regulatory action, the Occupational Safety
and Health Standards Board amends a regulation
pertaining to required periodic internal and external
inspections of boilers.

Title 8
California Code of Regulations
AMEND: 770
Filed 08/02/05
Effective 09/01/05
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

**Exposure and Control Method Notification
Requirements**

The California Occupational Safety and Health
Standards Board is amending sections 1529, 1535,
5190, 5210, and 8358, title 8, California Code of
Regulations, adding language which allows for a
uniform time limit for notifying employees in general
industry of their exposure monitoring results to
asbestos, methylenedianiline, cotton dust, and vinyl
chloride. In addition, a requirement for an employer to
send an evaluation and certification of alternative
control method to OSHA's Directorate of Technical
Support before removing more than 25 linear feet or
10 square feet of thermal-system insulation of
servicing material is deleted (29 CFR
1915.1001(g)(6)(iii) and 29 CFR 1926.1101(g)(6)(iii))
from asbestos (8 CCR 1529 and 8 CCR 8358).
(Federal Register, Vol. 70, No. 3, pp. 1112-1144.)

Title 8
California Code of Regulations
AMEND: 1529, 1535, 5190, 5210, and 8358

Filed 07/28/05
Effective 08/27/05
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Respiratory Protection for M. Tuberculosis

This nonsubstantive action repeals regulations (re: Respiratory Protection for M. Tuberculosis) for which there is a sunset provision of October 18, 2004.

Title
California Code of Regulations
AMEND: 5147
Filed 07/28/05
Effective 07/28/05
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

**Tower Crane Warning Devices and Crane Test
Weight Requirements**

In this regulatory action, the Occupational Safety and Health Standards Board (1) amends a regulation pertaining to tower crane warning and safety devices and (2) adopts a regulation pertaining to test weights manufactured for the purpose of proof load testing of cranes and derricks.

Title 8
California Code of Regulations
ADOPT: 5022.1 AMEND: 4968
Filed 08/02/05
Effective 09/01/05
Agency Contact: Marley Hart (916) 274-5721

VETERINARY MEDICAL BOARD

Continuing Education Waiver

This regulatory action modifies the review process and criteria necessary for veterinarians to qualify for a CE waiver. It requires additional supporting documentation and extends the time frame for the Board to make a decision on the request.

Title 16
California Code of Regulations
AMEND: 2085.2
Filed 07/27/05
Effective 08/26/05
Agency Contact: Deanne Pearce (916) 263-2622

VOTING MODERNIZATION BOARD

Conflict of Interest Code

The Voting Modernization Board is adopting is conflict of interest code found at title 2, div. 8, ch. 23, section 44000, California Code of Regulations. This adoption was approved for filing by the Fair Political Practices Commission on May 2, 2005; that approval was extended on July 26, 2005.

Title 2
California Code of Regulations
ADOPT: Div. 8, Ch. 23, Sec. 44000
Filed 07/27/05
Effective 08/26/05
Agency Contact: Jana M. Lean (916) 653-5144

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN MARCH 9, 2005
TO AUGUST 3, 2005**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

07/27/05 ADOPT: Div. 8, Ch. 23, Sec. 44000
07/20/05 ADOPT: 18530.7
07/20/05 AMEND: 18570
07/18/05 AMEND: 55400
07/18/05 AMEND: 18452
07/06/05 AMEND: 7286.0
06/24/05 AMEND: 599.502, 599.506
06/21/05 AMEND: 18705.5
06/16/05 AMEND: Div. 8, Ch. 4, section 25001
06/14/05 ADOPT: 18750.2, 18755 AMEND: 18702.4
05/31/05 ADOPT: 1859.300, 1859.301, 1859.302, 1859.310, 1859.311, 1859.312, 1859.313, 1859.314, 1859.315, 1859.316, 1859.317, 1859.318, 1859.319, 1859.320, 1859.321, 1859.322, 1859.323, 1859.323.1, 1859.323.2, 1859.324, 1859.325, 1859.326, 1859.327, 1859.328, 185
05/27/05 AMEND: 1859.2
05/27/05 AMEND: 20107
05/26/05 AMEND: 1859.2, 1859.81, 1866
05/26/05 ADOPT: 18465.1
05/24/05 ADOPT: 1859.23 AMEND: 1859.2, 1859.122, 1859.123, 1859.123.1
05/12/05 ADOPT: 1859.71.4, 1859.78.1 AMEND: 1859.2, 1859.73.2, 1859.79.2, 1859.82, 1859.83, 1859.125, 1859.125.1, 1859.145, 1859.163.1, 1859.164.2
05/03/05 ADOPT: 20800.1, 20800.2, 20800.3, 20800.4, 20800.5, 20800.6, 20800.7, 20800.8, 20800.9, 20801.1, 20801.2, 20801.3 AMEND: 20800, 20801, 20802

05/02/05 ADOPT: 18640 AMEND: 18941.1,
18946, 18946.1, 18946.2, 18946.4
04/26/05 AMEND: 1859.2, 1859.42
04/19/05 AMEND: 172.4, 172.5, 172.6, 172.7,
172.8, 172.9, 172.10
03/21/05 AMEND: 549.70, 549.71, 549.72, 549.74

Title 3

07/21/05 AMEND: 6400
07/11/05 AMEND: 3423(b)
07/01/05 AMEND: 2311(b)
06/27/05 ADOPT: 3591.18
06/22/05 AMEND: 3430(b)
06/09/05 ADOPT: 3700
06/03/05 ADOPT: 3963
05/23/05 AMEND: 3636(a)(c)
05/16/05 AMEND: 6388
05/09/05 ADOPT: 1392.2(t), 1392.4(h), 1392.4(i),
1392.4(j), 1392.9(c), 1392.9(d),
04/15/05 AMEND: 1446.9(c), 1454.16(c)
04/04/05 AMEND: 6400

Title 4

06/27/05 ADOPT: 10175, 10176, 10177, 10178,
10179, 10180, 10181, 10182, 10183,
10184, 10185, 10186, 10187, 10188,
10189, 10190, 10191
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06/08/05 ADOPT: 17101 AMEND: 9531
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04/14/05 AMEND: 19836
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06/20/05 ADOPT: 9767.1, 9767.2, 9767.3, 9767.4,
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06/10/05 ADOPT: 9768.1, 9768.2, 9768.3, 9768.4,
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06/10/05 ADOPT: 9785.4, 9805.1 AMEND: 9725,
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06/06/05 ADOPT: 10133.50, 10133.51, 10133.52,
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05/31/05 ADOPT: 32032, 32033, 32034, 32035,
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04/06/05 AMEND: 230.2

04/06/05 ADOPT: 9792.6, 9792.7, 9792.8, 9792.9,
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06/23/05 AMEND: 2498.6
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06/03/05 AMEND: 2698.61, 2698.62
06/03/05 AMEND: 2698.70, 2698.71
05/05/05 ADOPT: 2805, 2805.5, 2805.9, 2805.11,
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03/25/05 AMEND: 1556
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06/15/05 AMEND: 1053
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05/04/05 ADOPT: 51.25
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03/15/05 ADOPT: 996

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07/28/05 AMEND: 25.15, 25.18, 25.19, 25.21,
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07/27/05 AMEND: 350.24
07/19/05 ADOPT: 15.04
05/31/05 AMEND: 551.1, 551.6, 555, 558, 560,
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03/30/05 AMEND: 25.15, 25.18, 25.19, 25.22
03/21/05 ADOPT: 2011 AMEND: 2180.1, 2181,
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03/10/05 AMEND: 2260, 2262, 2262.4, 2262.5,
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07/05/05 ADOPT: 2299 (Title 13), 93117 (Title 17)
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06/09/05 AMEND: 27.80
06/09/05 AMEND: 782
05/12/05 AMEND: 120.01
05/12/05 AMEND: 180.3
05/11/05 AMEND: 231
05/11/05 AMEND: 601
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05/11/05 AMEND: 150.05
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 04/04/05 AMEND: 119900
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 03/30/05 AMEND: 852, 852.2, 852.3
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 06/15/05 AMEND: 3335
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 07/12/05 AMEND: 1397.51
 07/06/05 ADOPT: 1922.3, 1993.1 AMEND:
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 07/05/05 ADOPT: 1399.454 AMEND: 1399.450,
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 07/05/05 ADOPT: 1398.26.1
 06/22/05 AMEND: 1041
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 05/18/05 AMEND: 50604, 50605, 54310, 54320,
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 05/12/05 ADOPT: 1029.117, 1029.134, 1031.8,
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 05/02/05 ADOPT: 50243, 50245, 50247, 50249,
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51000.6, 51000.7, 51000.16, 51000.30,
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05/09/05 AMEND: 80044, 80045, 80066, 80070,
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04/14/05 ADOPT: 7340, 7341, 7342, 7343, 7344,
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